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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,843	12/21/2000	Takayuki Sugahara	0102/0151	6519

21395 7590 10/31/2003

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EXAMINER

HOFFMAN, BRANDON S

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,843

Applicant(s)

SUGAHARA ET AL.

Examiner

Brandon Hoffman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1-4 and 6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The abstract of the disclosure is objected to because:
 - On line 6, "by an external" is missing the word that comes after –external–. The examiner is not sure as to what the 'external' is referring to. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

- On page 3, line 9, "by an external" is missing the word that comes after –external–. The examiner is not sure as to what the 'external' is referring to.
- On page 13, line 5, "secondary section R" should be –secondary section Q–. Appropriate correction is required.

Claims 1-4 and 6 are objected to because of the following informalities:

- Regarding claim 1, on line 11, "by an external" is missing the word that comes after –external–. The examiner is not sure as to what the 'external' is referring to.
- Regarding claim 6, this claim is dependent upon claim 1, and therefore inherits its deficiencies.

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- Regarding claims 2, 3, 4, and 6, the numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
 - Originally misnumbered claim 2 shall be renumbered 3.
 - Originally misnumbered claim 3 shall be renumbered 4.
 - Originally misnumbered claim 4 shall be renumbered 6.
 - Originally misnumbered claim 6 shall be renumbered 2.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bennett et al. (U.S. Patent No. 4,864,615).

Regarding claims 1 and 3, Bennett et al. teaches a method/apparatus of decrypting contents information (figure 1), comprising the steps of:

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- Generating a signal representative of a key in response to key production information, the key being for decrypting encryption resultant contents information (figure 1B, reference number 17);
- Decrypting the encryption-resultant contents information in response to the generated signal representative of the key (figure 1B);
- Receiving key-related information which has been generated by an external in response to an authentication value and at least a portion of the key production information according to a predetermined function (figure 1B, reference numbers 32 and 35);
- Receiving issue ID information which has been generated in response to the authentication value and decryption-side ID information peculiar to a decryption side (figure 1B, reference numbers 19 and 33);
- Reproducing the authentication value from the decryption-side ID information and the received issue ID information (figure 1, reference number 34); and
- Generating at least a portion of the key production information from the reproduced authentication value and the received key related information according to a function inverse with respect to the predetermined function (column 5, line 64 through column 6, line 1. An XOR operation is the inverse of an XOR operation).

Regarding claims 2 and 4, Bennett et al. teaches a method/apparatus of decrypting encryption-resultant contents information generated by an encryption side, which implements the steps of:

- Generating a first-key signal representative of a first key from first-key base information being a base of the first key (figure 1A, reference number 18);

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- Encrypting contents information into encryption-resultant contents information in response to the first-key signal (figure 1A, reference number 27);
- Generating a second key signal representative of a second key from second-key base information being a base of the second key (figure 1A, reference number 17);
- Encrypting at least a portion of the first-key base information to convert the first-key base information into encryption-resultant first-key base information in response to the second-key signal (figure 1A, reference number 10); and
- Generating second-key related information from the second-key base information and an authentication value according to a predetermined function (figure 1A, reference numbers 12 and 13); the method comprising the steps of:
 - Receiving issue ID information which has been generated in response to the authentication value and decryption-side ID information peculiar to a decryption side (figure 1B, reference numbers 19 and 33);
 - Reproducing the authentication value from the decryption-side ID information and the received issue ID information (figure 1B, reference number 35);
 - Reproducing second-key base information from second-key-related information and the reproduced authentication value according to a function inverse with respect to the predetermined function (figure 1B, reference numbers 17, 32, and 35);
 - Generating a second-key signal representative of a second key from the reproduced second-key base information (figure 1B, reference number 19);
 - Decrypting encryption-resultant first-key base information into original first-key base information in response to the generated second-key signal (figure 1B, reference number 30);

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- o Generating a first-key signal representative of a first key from the original first-key base information (figure 1B, reference number 18); and
- o Decrypting encryption-resultant contents information into original contents information in response to the generated first-key signal (figure 1B, reference number 26).

Regarding claim 6, Bennett et al. teaches the issue ID information receiving step comprises receiving the issue ID information after it has been confirmed by a sender for the issue ID information that the decryption-side ID information is legitimate (figure 1B, reference number 35 authorizes the first-key generation data to be known that the scrambled data was not changed).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (U.S. Patent No. 4,864,615) in view of Widmer (U.S. Patent No. 4,313,031).

Regarding claim 5, Bennett et al. teaches all the limitations of claim 3, as discussed above. However, Bennett et al. does not teach the issue-ID information receiving means comprises an input device for enabling a user to input the issue ID information.

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Widmer teaches the issue-ID information receiving means comprises an input device for enabling a user to input the issue ID information (figure 1, reference number 1).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine an input device for inputting issue ID information, as taught by Widmer, to the apparatus of Bennett et al. It would have been obvious to combine an input device for inputting issue ID information, as taught by Widmer, to the apparatus of Bennett et al. because an inputting means for the issue ID information would provide a way to encrypt/decrypt data directly based off of the data inputted from the input device instead of using predetermined keys.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



BH
10/24/03



SAFET METJAHIC
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